

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**SQUARE, INC., and JAMES  
MCKELVEY, JR.**

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**Plaintiffs,**  
**vs.**

**Civil Action No. 4:10-cv-2243-SNLJ**

## **REM HOLDINGS 3, LLC**

**JURY TRIAL DEMANDED**

## **Defendant.**

**ROBERT E. MORLEY, JR. and  
REM HOLDINGS 3, LLC**

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## **Plaintiffs,**

**Civil Action No. 14-cv-00172-SJLJ**

vs.

**SQUARE, INC., JACK DORSEY, and  
JAMES MCKELVEY, JR.**

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## **Defendants.**

**JURY TRIAL DEMANDED**

## **CORRECTED JOINT PROPOSED SCHEDULING PLAN**

Pursuant to the Federal Rules of Civil Procedure 16 and 26(f), and Local Rule 16-5.03,  
Plaintiffs Robert E. Morley, Jr. and REM Holdings 3, LLC (hereinafter “Plaintiffs” or “REM”)  
and Defendants Square, Inc., Jack Dorsey, and James McKelvey, Jr. (hereinafter “Defendants”)  
submit this Joint Scheduling Plan.

All parties participated in a scheduling and discovery conference by telephone on November 26, 2014.

**A. Case Management Track**

The parties agree that the assignment of this case to Track 2: Standard is appropriate.

**B. Joinder of Additional Parties or Amendment of Pleadings**

The parties propose February 4, 2015 as the deadline for joinder of additional parties and amendment of pleadings without leave.

**C. Discovery Plan**

- i. ESI: The parties continue to negotiate the contours of an Agreed ESI Order.
  - ii. Privilege: The parties plan to submit a joint proposed protective order that states inadvertent disclosure does not operate as a waiver of privilege. The parties agree to provide a privilege log within two weeks after any given production. The parties continue to negotiate the contours of an Agreed Protective Order.
  - iii. Initial Disclosures: The parties stipulate that the deadline to serve initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) shall be December 19, 2015.
  - iv. Discovery: The parties' proposals as to the schedule for discovery are attached hereto as Exhibit 1.
  - v. Expert Discovery: The parties' proposals for a schedule of patent-related disclosures and submission of expert reports are included in Exhibit 1.
- [REM PROPOSES]:** Each side shall be limited to no more than four (4) experts. No expert may be deposed more than 7 hours, absent agreement between the parties.
- vi. Discovery Limits: The parties jointly propose the Court limit non-expert depositions to 15 fact witnesses per side and interrogatories to 30 per side.

**[REM PROPOSES]:** Plaintiffs propose the Court limit requests for admission to no more than 50 per side, excluding requests for admission to establish the authenticity of a document.

vii. Examination: Neither party requests any physical or mental examinations pursuant to Federal Rule of Civil Procedure 35.

viii. Close of Discovery:

**[REM PROPOSES]:** August 10, 2015 as the deadline for the close of fact discovery. This date is included in the attached Exhibit 1.

**[DEFENDANTS PROPOSE]:** September 1, 2015 as the deadline for the close of fact discovery. This date is included in the attached Exhibit 1.

ix. Other: Defendants intend to file a motion to stay Counts 4 (patent infringement), 10 (correction of inventorship), and 11 (conversion). Plaintiffs oppose this motion.

**D. Mediation or Alternative Dispute Resolution**

The parties agree to consider alternative dispute resolution, including mediation, and they will be prepared to discuss this matter further at the December 11, 2014 conference.

**E. Dates for Filing of Dispositive Motions**

**[REM PROPOSES]:** October 12, 2015 as the deadline for filing dispositive motions and *Daubert* motions. This date is incorporated in the attached Exhibit 1. Parties are not limited to a single dispositive motion, provided that any dispositive motion is filed by the deadline in Exhibit 1. Each side is limited to a total of sixty (60) pages of dispositive motions, with sixty (60) pages in response, and twenty (20) pages in opposition.

**[DEFENDANTS PROPOSE]:** December 18, 2015 as the deadline for filing dispositive motions and *Daubert* motions. This date is incorporated in the attached Exhibit 1. Parties are not limited to a single dispositive motion, provided that any dispositive motion is filed by the deadline in Exhibit 1.

**F. Earliest Date This Case Could Reasonably Be Ready for Trial**

**[REM PROPOSES]:** The earliest date by which this case can reasonably be expected to be ready for trial is December 8, 2015.

**[DEFENDANTS PROPOSE]:** The earliest date by which this case can reasonably be expected to be ready for trial is June 13, 2016.

**G. Preliminary Estimate of the Time Required for Trial**

**[REM PROPOSES]:** Plaintiffs estimate that 6 days will be required for trial.

**[DEFENDANTS PROPOSE]:** Defendants estimate that 15 days will be required for trial.

**H. Other**

**[REM PROPOSES]:** None.

**[DEFENDANTS PROPOSE]:** The parties agree to confer regarding the topics in Local Patent Rule 2-1 within 14 days after a ruling denying Defendants' motion to stay the patent claims.

Dated: December 5, 2014

Respectfully submitted,

**CALDWELL CASSADY & CURRY**

/s/ Bradley W. Caldwell

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**ATTORNEYS FOR PLAINTIFFS**

**ROBERT E. MORLEY, JR. AND**

**REM HOLDINGS 3, LLC**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on December 5, 2014, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all counsel of record.

*/s/ Bradley W. Caldwell*  
Bradley W. Caldwell